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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,643	10/06/2003	Hiroshi Hashimoto	8193	3939
7590 11/03/2005				
Kenneth L Mitchell (Woodling, Krost and Rust) 9213 Chillicothe Road Kirtland, OH 44094		EXAMINER JOHNSON, VICKY A		
		ART UNIT PAPER NUMBER		
		3682		

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/679,643	HASHIMOTO ET AL	
	Examiner	Art Unit	
	Vicky A. Johnson	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakumura et al (US 5,913,742).

Nakumura et al disclose a body of said tensioner is composed of outer body (2) and an inner body (21); said outer body is provided with a tensioner mounting means (unnumbered flanges, see Fig 2) and an inner body fitting hole (2₁); an inner body (21) is provided with a plunger accommodating hole (27) into which a plunger (30) biased by a compression spring (31) was slidably fitted (see Fig 2), and a movement backward preventing mechanism for preventing the backward movement of said plunger is incorporated into said inner body (see Fig 2); said movement backward preventing mechanism comprises a rack (see Fig 2) formed on a part of the outer circumference of the plunger, a cutaway groove (unnumbered, see Fig 2), a pawl body (32), a pivot shaft (unnumbered, see Fig 2), and a spring (inherent), which biases a pawl of said pawl body so that the pawl engages the rack; and an inner body side unit composed of at least said inner body, said movement backward preventing mechanism, said compression spring and said plunger is adapted to be press-fitted and fixed into said inner body fitting hole of said outer body (see Fig 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al (US 5,913,742) in view of Namie et al (2002/0142871).

Nakamura et al disclose a tensioner as described above, but does not disclose the outer body made of plastic.

Namie et al teach the use of a tensioner having an outer body made of plastic (col. 4 ¶ 36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tensioner of Nakamura et al to include a plastic outer body as taught by Namie et al in order to ease assembly (col. 2 ¶ 10).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Nakamura et al reference fails to meet the limitations of the claims because the outer body (2) of the reference is the not part of the tensioner. The outer body (2) is part of the tensioner, because it makes up the housing and mounting means, in regard to the flanges or corners, and without it the tensioner would not operate.

The mounting means, as stated above, are made up of the flanges or corners of the outer body (2). The limitation is broad and therefore the interpretation is broad.

It is also argued that the hole (27) does not constitute a hole that accommodates a plunger, but Figure 2 clearly shows the plunger (30) accommodated in the hole (27). It is further argued that the spring (31) is not a compression spring, but Figure 2 shows the spring (31) biasing the plunger (30).

Applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson
Examiner
Art Unit 3682
10/27/05



Approved
10/27/05
my

Fig. 7

(PRIOR ART)

